

## Johnstone, Dylan

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**From:** Cath Church <cathchurch22@gmail.com>  
**Sent:** Tuesday, 16 June 2020 11:31 AM  
**To:** submissions  
**Subject:** DA 10.2020.230.1 - 156 Stuart Street Mullumbimby

Dear sir/madam,

I would like to submit my objection to the above DA advertised for 156 Stuart Street Mullumbimby.

Firstly, the above DA should have been advertised as not only 156 Stuart Street, but include the sites name, Mullumbimby Sportsfields or rear of Mullumbimby Community Garden as this is community owned land and as such all residents of the shire should be made aware of a proposed - and in this case already commenced, development on community land. Very few people would know where 156 Stuart Street is, and therefore there is no transparency in the advertising. Given the history surrounding the dodgy developments at the community garden over the last twelve years, it is even more important that there is correct advertising of the site. This DA should be re-advertised correctly and before any further consideration of the development application proceeds!

Secondly, the DA is located on land that is zoned as sportsfields under the Plan of Management and should not have any construction upon it other than that required for a sportsfield. A nursery structure does not fall into this category and the already commenced structure should not only be refused, but removed. A nursery structure of this type is also not permitted in the adjoining community garden as it does not fit into the definition of a community garden.

Also, one has to ask the question why the applicant, Ms S Y Mainsbridge is able to lodge a DA without having a lease for this section of community land nor the adjoining community garden land which is leased to Mullum Seed? Also, why is owners consent - Byron Shire Council, not attached to the application? Any community land must have Council's consent before any construction is commenced, so why was the application accepted without this?

I note on the application that access to the site is to be through the Barry Lomath oval adjacent to the community garden fenceline. This is not acceptable, should not be permitted, and as Reforest Now has already been driving over this oval to access the site without approval, the oval is now very badly damaged and will have to be repaired by them immediately.

Given that the development is not located within the community garden as stated, is not in accordance with Council's community garden definition and the lack of transparency with Council's advertising of the DA, the application should be refused and the existing unapproved structure be removed.

Kind regards,

Cath Church

To Byron Shire Council,

RE: DA 10.2020.230.1  
Mullumbimby Community Gardens,  
156 Stuart St,  
Mullumbimby  
2482

I would like to highlight issues with DA 10.2020.230.1, approval of an already constructed Nursery/greenhouse on council owned land at the Community Gardens site at 156 Stuart St, Mullumbimby.

The DA applicant does not reveal their association with SEED who currently manage the site. There have been ongoing issues with illegal constructions and submission of DA's after completion. The SEED Committee are not complying with the *Byron Shire Community Gardens Policy 2020* and the *Plan of Management*.

#### **Affiliations and Pecuniary interests**

The DA applicant has indicated they do not know any Councillors, a quick search of Facebook and the internet reveals the applicant is friends with the Mayor and 3 Councillors, it is an offence to provide false information!

#### **Engineering Technical plans, Certification, and ongoing work.**

How can council make an informed decision on this DA when it does not include any engineering plans or certification for the structure? Work has proceeded on the structure with the front and rear of the nursery completed and a potting area at the front.

#### **Site Zoning compliance**

The RE1 zoning permits Horticulture, does this also include Nurseries/Greenhouses of this scale?

#### **Site Suitability and flooding**

I question the suitability of the site as it is flood prone and inundated in a 1 in 100 Year flood event by approximately 900mm of water not 50mm as described. The natural ground level is approximately 3.1m AHD as informed by the adjacent Men's Shed DA 10.2018.296.1.

Will the structure and contents be affected by this amount of inundation and will it impede flood flow? The President of Reforest Now would be aware of the flood issues as he presented at the Independent Chair meeting for the Lot 22 rezone proposal.

An existing problem is fill has been placed along the full length of the Western fence line of the Community Gardens site which prevents water flowing from the sports fields. See photos.

#### **Current Plan of Management**

Is the structure sited within the current Plan of Management for the Community Gardens? There were previous issues of structures extending too far beyond the Southern boundary.

#### **Illegal Filling**

The site has been illegally filled with approximately 8m<sup>3</sup> of metal dust.

#### **Visual Privacy**

The Chemical Free Landcare group has been ring barking the Camphor trees in the area against council permission. If all these trees are removed, will there adequate visual privacy to neighbours?

### **Roads and Parking**

Access via the sports field should not be permitted, the sports fields have large ruts from continual vehicle movements and boggy grounds. The Main entrance to the Community Gardens should be the only access. The ruts are a health and safety risk to pedestrians.

### **Sewage**

How do the staff and volunteers not create Sewage? There is an illegal toilet in the South East corner of the Community Gardens site. This issue needs to be addressed.

### **Drainage**

The existing Reforest Now nurseries on the site results in large areas being left boggy, there needs to be formal drainage of the site and better excess water management.

### **Waste**

There have been large concrete blocks dumped on the sports fields near the rear entrance, these need to be disposed of.

### **Photos of issues below:**

**Wheel ruts left in sports fields due to vehicle access to Reforest Now and Mens Shed area.  
1/06/2020**



**Western side of Community gardens fence, access Rd. 9/02/20**



**Western side of Community gardens fence, access Rd. 9/02/20.**



**Concrete blocks dumped on sports fields.**



**Illegal toilet in South West corner of Community Gardens.**



Site Access on 21/02/2020 and example of soil dug from drain pushed up onto fence creating a moat around the Community Gardens. Causes flooding of sports field.



Reforest Now site with minor flooding on 7/02/2020.



Skatepark area waterlogged due to backed up water from the Community Gardens.  
Photos 14<sup>th</sup> Feb 2020

